

IN THE DISTRICT COURT OF THE UNITED STATES
FOR THE DISTRICT OF SOUTH CAROLINA
COLUMBIA DIVISION

UNITED STATES OF AMERICA)	CRIMINAL NO.: 3:11-2064-JFA
)	
)	
vs.)	
)	
)	
DARRELL T. WASHINGTON)	

FINAL ORDER OF FORFEITURE
AS TO DARRELL T. WASHINGTON

This matter is before the court upon the United States' motion for a final order of forfeiture as to Darrell T. Washington ("Defendant", "Washington") who was found guilty of the following offenses:

- Count 1 (Conspiracy to possess with the intent to distribute, and to distribute, 5 kilograms or more of cocaine and 280 grams or more of cocaine base (commonly known as "crack" cocaine), in violation of 21 U.S.C. §§ 841 and 846;
- Count 23 (Possession with intent to distribute 28 grams or more of cocaine base (commonly known as "crack" cocaine), in violation of 21 U.S.C. § 841;
- Count 24 (Felon in possession of a firearm), in violation of 18 U.S.C. § 922(g)(1);
- Count 25 (Possession of a firearm in furtherance of a drug trafficking crime), in violation of 18 U.S.C. § 924(c)(1); and
- Counts 34, 42, and 44 (Use of a communication facility (a telephone) to facilitate the commission of a felony under the Control Substances Act: (Conspiracy to possess with the intent to distribute a cocaine base (commonly known as "crack" cocaine)), in violation of 21 U.S.C. §§ 841 and 843.

A Judgment and Preliminary Order of Forfeiture (“POF”) as to Washington was filed on September 18, 2012. The record in this case establishes the following:

1. On February 22, 2012, a federal grand jury in the District of South Carolina returned a Second Superseding Indictment in which the Defendant, Darrell T. Washington, was charged with various offenses related to drug trafficking, in violation of 21 U.S.C. §§ 841, 843 and 846; and federal firearms offenses, in violation of 18 U.S.C. §§ 922(g)(1) and 924(c)(1).

2. The Second Superseding Indictment provided that upon Washington’s conviction, certain property enumerated therein, or equivalent substitute assets, would be subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d), 21 U.S.C. §§ 853 and 881, and 28 U.S.C. § 2461(c).

3. On June 26, 2012, a jury found Washington guilty of the above-listed offenses.

4. Based upon Washington’s conviction, the court has determined that the below-described property is subject to forfeiture, in that such property constituted, or was derived from, proceeds the Defendant obtained as a result of such violations; and/or used in knowing violations of 18 U.S.C. §§ 922(g)(1) and 924(c)(1). The court finds that Washington has an interest in such property, and that the property is subject to forfeiture to the United States pursuant to 18 U.S.C. § 924(d), 21 U.S.C. §§ 853 and 881, and 28 U.S.C. § 2461(c).

5. The court has further determined that the government has established the requisite nexus between the said property subject to forfeiture and the offenses for which Washington has been convicted; therefore, pursuant to 18 U.S.C. § 924(d), 21 U.S.C. §§ 853 and 881, and 28 U.S.C. § 2461(c), the property shall be forfeited to the United States.

6. The court further finds that the United States is entitled to a judgment of forfeiture and possession of the said property pursuant to 21 U.S.C. §853(g) and Rule 32.2 of the Federal Rules of Criminal Procedure.

7. On September 18, 2012, this court entered the POF as to Washington, forfeiting all of his right, title and interest in the property described below to the United States.

Vehicles:

- (a) 2003 Cadillac CTS
VIN#: 1G6DM57N830155780
Registered to: Darrell T. Washington
Asset ID: 11-FBI-006474

- (b) 2000 Cadillac Deville¹
VIN: 1G6KD54Y3YU242668
Registered to: Loretta J. Washington and Darrell T. Washington
Asset ID: 12-FBI-006428

¹ Loretta J. Washington filed a claim of ownership to the 2000 Cadillac Deville, which is currently the subject of ancillary forfeiture proceedings. Therefore, the 2000 Cadillac Deville is not the subject of this Final Order of Forfeiture.

Firearms/Ammunition:

- (a) Glock Model 32 .357 caliber pistol
Serial# FAK779US
Asset ID: 12-FBI-001308
- (b) Taurus .357 caliber Model 650SS2 revolver
Serial # YC65051
Asset ID: 12-FBI-001308
- (c) Taurus .38 Model 80 caliber revolver
Serial # 738524
Asset ID: 12-FBI-001308
- (d) Smith and Wesson M&P 15 AR-15
Serial# SW11202
Asset ID: 12-FBI-001308
- (e) Rossi .38 caliber revolver
Serial # D603445
Asset ID: 12-FBI-001308
- (f) Charter Arms, Model Pathfinder, .22 revolver caliber
Serial# 93545
Asset ID: 12-FBI-001308
- (g) Smith and Wesson Model 4046 .40 caliber pistol
Serial# TYP4492
Asset ID: 12-FBI-001308
- (h) 82 rounds of .357 Magnum caliber ammunition
Asset ID: 12-FBI-001308
- (i) 10 rounds of 5.56mm caliber ammunition
Asset ID: 12-FBI-001308
- (j) 23 rounds of .40 caliber ammunition
Asset ID: 12-FBI-001308
- (k) 19 rounds of 9mm caliber ammunition
Asset ID: 12-FBI-001308

- (l) 44 rounds of .357SIG caliber ammunition
Asset ID: 12-FBI-001308
- (m) 19 rounds of .38 caliber ammunition
Asset ID: 12-FBI-001308
- (n) 8 rounds of .32 caliber ammunition
Asset ID: 12-FBI-001308
- (o) (3) 410 gauge shotgun shells
Asset ID: 12-FBI-001308
- (p) (1) 20 gauge shotgun shell
Asset ID: 12-FBI-001308

8. The POF directed the United States to publish notice of the court's Order and the intent of the United States to dispose of the property in accordance with law. The POF also provided that following publication, and upon adjudication of all third-party interests in the said property, the court would enter a Final Order of Forfeiture pursuant to 21 U.S.C. § 853(n).

9. Beginning on January 3, 2013, and running at least 18 hours per day through February 1, 2013, as required by Rule G(4)(a)(iv)(c) of the Supplemental Rules of Admiralty or Maritime Claims and Asset Forfeiture Action, the United States published notice of the forfeiture on the government website "www.forfeiture.gov", a website of general circulation within the United States and the State of South Carolina, notifying any person, other than the Defendant in this case, claiming interest in the forfeited property that they must file a Petition within sixty (60) days

of the notice for a hearing to adjudicate the validity of any alleged legal interest in the property seized.

10. The United States has received no claims or petitions as to the property described below, and the time to file such claims and petitions has passed as provided for by the provisions of 21 U.S.C. § 853(n); therefore, all claims to such property are forever foreclosed and barred.

11. The court has previously determined the Government has established the requisite nexus between the said property and the offense for which the Defendant has been convicted; therefore, the said property shall be forfeited to the United States pursuant to 18 U.S.C. § 924(d), 21 U.S.C. §§ 853 and 881, and 28 U.S.C. § 2461(c).

NOW THEREFORE, upon motion of the United States and for good cause shown, It is hereby ORDERED, ADJUDGED and DECREED:

1. The below described property, and all right, title and interest in and to the following property is hereby forfeited to the United States of America:

Vehicle:

- (a) 2003 Cadillac CTS
VIN#: 1G6DM57N830155780
Registered to: Darrell T. Washington
Asset ID: 11-FBI-006474

Firearms/Ammunition:

- (a) Glock Model 32 .357 caliber pistol
Serial# FAK779US

Asset ID: 12-FBI-001308

- (b) Taurus .357 caliber Model 650SS2 revolver
Serial # YC65051
Asset ID: 12-FBI-001308
- (c) Taurus .38 Model 80 caliber revolver
Serial # 738524
Asset ID: 12-FBI-001308
- (d) Smith and Wesson M&P 15 AR-15
Serial# SW11202
Asset ID: 12-FBI-001308
- (e) Rossi .38 caliber revolver
Serial # D603445
Asset ID: 12-FBI-001308
- (f) Charter Arms, Model Pathfinder, .22 revolver caliber
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Asset ID: 12-FBI-001308
- (g) Smith and Wesson Model 4046 .40 caliber pistol
Serial# TYP4492
Asset ID: 12-FBI-001308
- (h) 82 rounds of .357 Magnum caliber ammunition
Asset ID: 12-FBI-001308
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Asset ID: 12-FBI-001308
- (j) 23 rounds of .40 caliber ammunition
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- (l) 44 rounds of .357SIG caliber ammunition
Asset ID: 12-FBI-001308

- (m) 19 rounds of .38 caliber ammunition
Asset ID: 12-FBI-001308
- (n) 8 rounds of .32 caliber ammunition
Asset ID: 12-FBI-001308
- (o) (3) 410 gauge shotgun shells
Asset ID: 12-FBI-001308
- (p) (1) 20 gauge shotgun shell
Asset ID: 12-FBI-001308

2. Pursuant to 21 U.S.C. § 853(n)(7), clear title in and to the above-described property is vested in the United States of America, its successors and assigns, and no other right, title or interests exists therein. All claims to the above-described property are forever foreclosed and barred and the said property shall be disposed of by the United States Federal Bureau of Investigations ("FBI") in accordance with law.

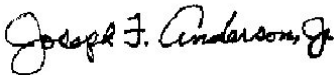
3. The United States Marshals Service, the Federal Bureau of Investigation and/or their designees are hereby requested to seize the above-described property as directed by the United States Attorney's Office, to be held by the United States Marshals Service in its secure custody and control pending the disposal of the property.

4. The court shall retain jurisdiction to resolve disputes which may arise and to enforce and amend this Order as necessary, pursuant to Fed. R. Crim. P. 32.2(e).

5. The Clerk, U.S. District Court for the District of South Carolina, shall provide one certified copy of this Order to the United States Attorney's Office Asset Forfeiture Unit for service on interested third parties and for other purposes.

IT IS SO ORDERED.

May 20, 2013
Columbia, South Carolina


Joseph F. Anderson, Jr.
United States District Judge